

**PROCEEDINGS OF THE BROWN COUNTY**  
**PUBLIC SAFETY COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on Wednesday, February 3, 2016 at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, WI

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**Present:** Chair Buckley, Supervisor Clancy, Supervisor La Violette, Supervisor Zima, Supervisor Nicholson

**Also Present:** John Vander Leest, Dave Ehlinger, Cullen Peltier, Don Hein, Melissa Spielman, Neil Basten, Todd Delain, Barry Irmen, Pat Murphy, other interested parties.

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**I. Call meeting to order.**

The meeting was called to order by Chair Patrick Buckley at 11:00 am.

**II. Approve/Modify Agenda.**

**Motion made by Supervisor Clancy, seconded by Supervisor La Violette to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**III. Approve/Modify Minutes of December 2, 2015.**

**Motion made by Supervisor La Violette, seconded by Supervisor Clancy to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Comments from the Public.** None.

**1. Review Minutes of:**

**a. Fire Investigation Task Force Board of Directors (September 17, 2015).**

**Motion made by Supervisor La Violette, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**b. Fire Investigation Task Force General Membership (July 22, 2015).**

**Motion made by Supervisor Clancy, seconded by Supervisor La Violette to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**c. Local Emergency Planning Committee – LEPC (January 12, 2016).**

**Motion made by Supervisor Clancy, seconded by Supervisor La Violette to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**d. Public Safety Communications Advisory Board (April 22, 2015 and July 22, 2015).**

**Motion made by Supervisor La Violette, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**e. Traffic Safety Commission (October 15, 2015).**

**Motion made by Supervisor Clancy, seconded by Supervisor La Violette to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

*Supervisor Nicholson arrived at 11:07 am.*

*Supervisor Zima arrived at 11:20 am.*

Communications:

2. **Communication from Supervisor Zima on behalf of Clerk of Courts John Vander Leest: Approve a resolution to the State of Wisconsin Legislature that places the payment of fines, costs and fees imposed by the Court ahead of the Crime Prevention surcharge. This is related to State Statute 973.05(rv) and (s). Recently in 2015, the State legislature amended 973.05 for the creation of crime prevention boards by Counties in Wisconsin. This law change puts the crime prevention surcharge ahead of collections on payments of fines, costs and fees for the Clerk of Courts. This will have an unknown negative fiscal impact on collections since the Clerk of Courts utilize tax intercept and payment plans and payments are not made in full. Furthermore, Brown County shall put the creation of the Brown County Crime Prevention Board on hold until the above matter can be corrected by the Wisconsin State Legislature. The state law change was presented as being the last of all collections which is not the case and will have a negative impact on three revenue accounts in Brown County which account for roughly 50-60% of all revenue collected for the Brown County Clerk of Courts. Collections of criminal misdemeanors and felonies are very difficult to begin with and creating a further barrier for the order of collections will have a greater negative on revenues to the Clerk of Courts. Referred from December County Board.**

*Although shown in the proper format here, this matter was held until the arrival of Supervisor Zima and was taken following Item 15.*

Supervisor Zima said that Clerk of Courts John Vander Leest brought this matter to his attention and there are pros and cons to entering the program and generally the efforts were supported. Zima will leave it to Vander Leest to explain this further; however he felt the Committee should look at the collection of fees. Zima also noted that the State Legislature is also addressing this. He stated that if all fees are collected, this probably does not matter much, but if all the fees in a case are not collected, then this would be important. Zima felt this was meant to supplement, not replace any revenues and he is in favor of continuing the program, however, he does have some concerns regarding discrepancies in the order of how fees are collected and where they are applied first.

Vander Leest provided the Committee with a number of documents, copies of which are attached. He said that Clerk of Courts offices are really the collection arm for the Courts in Wisconsin. His office puts a high emphasis on collecting court fines, costs and fees as they represent about 60 – 70% of the Clerk of Courts budget. If fines, costs and fees are not collected, the budget will be missed by big numbers.

Vander Leest continued that collections have been challenging due to the economy as well as all of the surcharges and other things that are added on. He referred to his handout of the September 2, 2015 Public Safety Committee minutes which indicates that "Clerk of Courts reported that the Clerk of Courts Association was opposed to this bill, but he does not have opposition to doing it in Brown County. He cautioned though that this is at the very end of when people pay a citation; the \$20 surcharge would be the last portion collected and he urged to not over-estimate how much would be collected as they are battling for collections overall." Vander Leest said he was under the assumption that this was the very last item to be collected, but that is not accurate; it is actually ahead of the fines, fees and costs. He said that this was included in the State 2015 budget and they originally had the surcharge at the top of the order but the Joint Finance Committee moved it to the bottom of the surcharges, but ahead of fines, fees and costs. The order was changed after the budget was released and Vander Leest was told that it was the very last item collected, but that was not accurate. There is a State order of collections set forth in Sec. 973.05 but that was never provided.

Vander Leest read a portion of his second handout, a document from the Legislative Fiscal Bureau, that states, "In regards to the creation of a new surcharge, the Director of State Courts Office has indicated: 'The collection process in most counties is already strained from the efforts to collect the statutorily mandated restitution, fines, forfeitures and surcharges ...the continued proliferation of surcharges jeopardizes access to the court system and significantly increases the amount of money a violator must pay.'" He said that one of the concerns is that everything is becoming more expensive and overall this new surcharge will increase the amount people have to pay. Vander Leest stated he met with Financial Operations Manager Neil Basten and they put together a spreadsheet of examples of how to look at these cases and it is very telling to show what efforts have to go into getting fines, fees and costs collected. A copy of the spreadsheet is attached. The best estimate to look at for figures is 2014 as the 2015 numbers are still being processed. Vander Leest referred to the total cases paid in full for each type of file and the percentage and the handout shows the cases they are still trying to collect, which is a good portion.

Buckley asked how much the Clerk of Courts has collected on the crime prevention surcharge. Vander Leest stated that nothing has been collected on the crime prevention surcharge to date because the Judges have to address a start date for that. Further, the Board has not been formed yet so the discussion has been that once the Board is formed, an effective date will be set. Vander Leest continued that the Judges have to state on the record that this is part of what is collected, but he did not wish to get into this further. Buckley had questions as Vander Leest indicated he had talked to the judges about this. Vander Leest responded that Buckley would have to talk to Corporation Counsel on this. Buckley stated that he has talked to some judges and his understanding from these conversations with judges is that this surcharge is supposed to be collected and further, that the Board has been set up. Buckley continued that Judge Atkinson sits on the Committee and there was a date that everyone was supposed to file by and they did file. The Committee is set up and Buckley felt that this leads to a greater problem that Vander Leest is not presenting facts. Vander Leest responded that he is trying to provide facts and would like to finish his presentation. At this point Zima wished it noted on the record that he felt that the Chairman is bullying Vander Leest and others.

Vander Leest continued by stating he has been duly elected by the citizens of Brown County and has a right to present the information. Buckley indicated that the Committee also has the right to ask questions. Vander Leest continued that the spreadsheet shows the order for each item and the priority level. The crime prevention surcharge of \$20 would go in the first column of the spreadsheet he passed out. Vander Leest also noted that if someone has more than one charge, there would be multiple fines. The total amount that a party would have to pay is shown on the spreadsheet and the \$20 crime prevention surcharge is ahead of some of the direct costs involved and those are things that the Clerk of Courts will try to collect. Vander Leest continued that they looked at the estimates for the first year and another 20% will pay within three years and another 10% will pay within five years and the final 10% will pay within 10 years. The remaining portion is uncollected and sits at the civil judgment stage. The numbers for the tax intercepts are also shown on the spreadsheet and Vander Leest noted that that is going down, in part due to the DNA surcharge and some of the costs that would have gone to pay for other items on the order are going towards some of the other surcharges. He said that the \$20 is obviously ahead. Further, Vander Leest said he could have put in the court ordered attorney bill because typically wage assignments are done for that but if the party quits and does not pay, it becomes a direct cost to the County and it would be collected at the very bottom. He noted that court ordered attorney bills are running about \$80,000 in the red. They are still trying to collect them, but this would make it more difficult.

Vander Leest wanted to make sure the Committee knows that this will have a long term impact on the County. He estimates that roughly 50% of the cases that are not collected in the future will be impacted. Based on 2014 numbers, he estimates this to be about \$10,000 per year and will continue each year on cases that are unpaid. Over the course of 10 years a large amount of money will be diverted to the surcharge instead of being paid to the Clerk of Courts to fund the overall operations. This will have a long-term budget impact on the Clerk of Courts department.

Vander Leest continued that he has worked with State Legislators to draft a Bill changing the order. He feels that this is a very simple item that changes the order in Section 973.05 for payment of fines, costs and fees ahead of the payment of the Crime Prevention Board surcharge. Vander Leest provided a draft of the Bill and the change he is proposing is shown on page 3. He stated that there is a Senate sponsor for the bill but they are still working on an Assembly sponsor, but noted that they will be ending soon. Vander Leest said that all of the Clerk of Courts as well as the Clerk of Courts Associations support this as do other judges and officials. He continued that there are only two counties in Wisconsin that have enacted creation of a Crime Prevention Board. He felt that other counties feel that if orders of collections are changed, they would entertain doing it, but they do not want to do it in the current order. Vander Leest stated that he is not against the Crime Prevention Board, but he thought it was going to be the last item to be collected, and, if it is not, it will have an impact on the Clerk of Courts.

Vander Leest would like a resolution from Brown County supporting the change and he has drafted a resolution that he provided to the Committee, a copy of which is attached. La Violette asked which Brown County Judges have said no to this and Vander Leest responded that the judges do not want to get in a political fight and were cautious about creating it for a number of reasons and they told him that this was his fight and he would have to fight it out. Vander Leest also said that he talked to Corporation Counsel about this and was advised that if he wants to address these issues, it should be done by resolution and if the State can change the order, it would be the easiest way to deal with it as it would keep the ordinance in place. Vander Leest also stated that whatever the Board wants is up to them, but he at least has to present the information and state his case. He directed the Committee's attention to the fourth paragraph of the draft resolution which states, "The Wisconsin Clerk of Courts Association supports correcting the order of collection to place

finest, costs and fees ahead of the Crime Prevention Surcharge. In addition, Circuit Court Judges and other local officials in Wisconsin support this simple change in State law. There is a concern that if the order of collections is not corrected that this will have long term negative impact on collection for the Clerk of Courts and require property taxpayers to cover future shortfalls." He wants it noted prominently on the record that if this goes forward, in five to 10 years there will be a shortfall in revenues that will have to be made up with taxpayer money. He said there is full agreement on this from all of the Clerk of Courts that this will be a long-term negative for the Clerk of Courts. Vander Leest also provided a fiscal impact which is shown on the second page of the draft resolution. He noted that as the uncollected cases keep growing, a greater portion of those monies will be diverted to the Crime Prevention Surcharge.

Basten spoke to the tax intercepts and noted that they do tax intercepts for a number of case types, not just criminal. This time of year is very busy for tax intercepts but the remainder of the year the collections from intercepts are down. He commented that they are still collecting on cases dating back to 1985. Basten added that they do a lot of collecting, but a lot of it goes back to the State. He said that typically on a \$3,200 ticket, Brown County keeps about one-third. The County is making a lot of efforts to get the money collected to send back to Madison. All they are asking at this time is to change the priority to move the Crime Prevention Surcharge to help their budget which has been horrible the last few years.

Vander Leest noted that the Clerk of Courts is the only department in the County that had previous budget issues, but this is being improved under his first year. He is concerned, however, about the long-term effects and it is his responsibility as a department head to bring forth concerns and share information. Vander Leest also noted that he had discussed this with Financial Director Dave Ehlinger. Ehlinger said that he spent 11 years as the Finance Director for Jefferson County and then three years as the Fiscal Administrator of the court system for Milwaukee. With regard to the surcharge that we have, Ehlinger is not saying there is anything wrong with the program, but looking at it from a fiscal point of view for Brown County he would like to see the Clerk of Courts collecting for the State of Wisconsin/Brown County first before another private agency. Whether the extra \$20 means a case is uncollected is not something he can answer, but the question is whether facts were being presented and there are estimates being provided right now because the Crime Prevention Surcharge is not being assessed yet to the best of his knowledge. The analysis done by Basten makes the assumption that the Crime Prevention Surcharge will be the only item causing the non-collection but whether that is true or not will be dependent upon each case.

Vander Leest stated that his office actively works on collections and holds hearings for those who do not pay. It really is a money chase and he shares that with everyone. He feels that this resolution would address the order and help keep what we have as much as possible. The Crime Prevention Surcharge would still obviously be collected but it would not harm the efforts of the Clerk of Courts in trying to get some of the direct costs back.

La Violette says she does not ever like to criticize a department head, but she said that it would have been helpful to get these handouts ahead of time. She understands that Vander Leest said that there is enthusiasm for this in other parts of the state, but it will take a leader to get this through. If Vander Leest is going to be the leader on this, there is so much to clean up and she wonders who will champion this. Vander Leest responded that he would need support of the County Board and he felt that the resolution would be the first step as there has to be some support at the local level. He continued that if the County Board is not interested in this and wishes to keep doing what is being done, the State may not take this up. But as the fiscal agent for the Courts he has to bring this forward. If the Bill does not pass before the current session ends, the State can always address it during the next session. Vander Leest would like to get some steam going now to get it done and he will keep pushing until it is passed. He reiterated that this will have a long-term negative impact on the County and he does not want that for the County because it will result in more funds having to be given to the Clerk of Courts budget. He continued that all the work done by Mr. Murphy is great and he does a good job in raising private money, but he still feels that the order should be changed.

Zima asked if part of the problem is lack of interest in the Crime Prevention Boards so the other counties are not having their budgets hurt by this since very few Counties have Crime Prevention Boards. Zima noted that Vander Leest brought to the Committee's attention that there are a number of things that come ahead of this when it comes to collections. Zima felt the Committee was supportive of the crime prevention folks, but he was under the assumption that it was the last thing, but it appears that it is the last surcharge but there are other costs that come before the surcharge and this is where the confusion comes in. It is the last of the surcharges, but it is not the last of the fees and Vander Leest is asking that the Board adopt a resolution to put this at the bottom of the list because it is the responsible thing to do. Zima said

that this Committee has been particularly hard on the Clerk of Courts over the last few years and Vander Leest is working to the best of his ability to rectify some of the problems. He noted that this may not be a million dollar issue, but it is symptomatic of where the priorities lie and he feels that this Committee should support the resolution. It is not a hard thing and probably will not deprive the crime prevention folks of much money and he further noted that whatever they get, they get on top of what they privately do. Zima definitely thinks the Crime Prevention Surcharge should come last.

Buckley recalled that in September this Committee approved this unanimously and at that time he knows the Clerk of Courts was asked on several occasions what the fiscal impact would be and he came back with nothing. The statute was adopted to collect the \$20 surcharge for crime prevention based on the advice received from the Clerk of Courts. Buckley also recalled that Vander Leest was requested to work with Mr. Murphy on the surcharge and the dollar amount that would be generated for the Crime Prevention Board. Basten stated that the simple math shows that for the CM cases it would be \$36,000 for just one case type. There were 366 of those cases that were paid in full, so if the surcharge was there, they would have collected in. There are also 1500 cases that are not going to be collected on right way so that is like leaving \$30,000 out on the table to collect. Buckley said the number was even less at the meeting. Vander Leest said that in total it is closer to \$20,000 but Buckley does not recall that figure being discussed. Buckley continued that his concern is, if it is not a priority, the Clerk of Courts, because they obviously don't want to collect it, would not put forth the effort to collect it so they put it at a higher level so it would have to be collected. Buckley said if we go on record saying the Clerk of Courts budget will be affected by \$10,000, he's okay with that because that is paying for programs that the County normally would have to pay for. Buckley continued that one of the things discussed in the September meeting was letting the people who are committing the crimes pay for the crime prevention instead of having the taxpayers pay for the crime prevention. Buckley struggles with reversing something that was started in September and for which there is no positive fiscal impact. It was his understanding that the surcharge should have been being collected but is not. Vander Leest stated that there needs to be a start date given by the judges and he has not received that. Buckley responded that he did talk to several judges and it was their understanding that it was supposed to have been being collected by the Clerk of Courts. Buckley asked Vander Leest if it was the Clerk of Courts responsibility or the judge's responsibility to collect the surcharge. Vander Leest responded that he has had conversations with district court operations and they have to have a set start date and have an agreement that the surcharge is going to be charged on all misdemeanor and felony cases and he has not seen this. Buckley asked Vander Leest what judge he needs to hear a start date from and Vander Leest responded that he needs direction from either the Chief Judge or the Presiding Judge. Buckley said that his understanding from his conversations with the judges is that the Clerk of Courts is supposed to be collecting the surcharge already. Vander Leest disagreed with this and Buckley said he will go back to the judges.

Buckley referred to Vander Leest's proposed resolution and asked which circuit court judges and other local officials do not support this as stated in the resolution. Vander Leest stated that he is talking about conversations with other Clerk of Courts throughout the state who have said that their judges were opposed for a number of reasons because obviously there has been waste, fraud and abuse with some of the Crime Prevention Boards in Wisconsin in the past and there has been concern on overall governance of the Boards and conflicts of interest. There are also questions about collections so most of the Clerk of Courts were opposed and most of the judges in the smaller surrounding counties have not created it because they are concerned about the collection portion. Buckley said that since this was stated in the resolution, he wanted to know which judges Vander Leest talked to specifically. Vander Leest said there are over 250 Circuit Court Judges in Wisconsin. Buckley understood this, but said that if there is language in the resolution, it is representative of the Supervisors of Brown County and he would like backup as to whom so in case he is questioned about it he has an answer. He asked Vander Leest again which judges he relied up on for information. Vander Leest said it was information he got from Clerk of Courts who said that their judges were opposed, but he did not speak personally with any judges. Buckley stated that if the information is not accurate, he does not want it in the resolution. Vander Leest said he realized he would not have Buckley's support, but he was hoping to get the support of the majority of the Committee. Buckley responded stated that he spent considerable time trying to deal with this and it is not that he does not support Vander Leest, but he wants to do it based on fact. Further, Buckley has supported Vander Leest on a lot of efforts in the Clerk's office in the past, but he is not going to go down the road with misinformation and non-facts. So far what Buckley sees is not facts, and again, Vander Leest disagreed.

Buckley continued that there is typically 30 – 40% that is non-collectible and the chance of collecting from them in the future is slim and Basten agreed. With regard to the other 60%, Buckley asked if the majority of them pay and Basten noted that typically the only way they get paid is through tax intercept, and if the party moves out of state, they usually

do not collect. Basten continued that these people know the system and often are “frequent flyers”. Odds are that if costs are not collected in the first year, the likelihood of collection becomes less and less. Buckley said that he has done his homework and has talked to some judges and what the State needs to do eventually is look at all of the surcharges and fees to begin with as a \$10 ticket can easily become a \$200 ticket once all of the costs and fees are added. Basten agreed that there is a laundry list of added charges and Buckley noted that the amount of money that is going to the State and not staying here locally is frustrating. He would like to see the crime prevention money collected towards the top and stay in Brown County. Further, Buckley felt that this fund may help programs such as the trafficking issue the Chief Deputy talked about earlier. The other part Buckley worries about in the Clerks Association is that if it falls down, it will not be collected and the effort will not be put in by the Clerks to collect it. Both Basten and Vander Leest disagreed with this and stated that they do all of the due diligence and use every possible means they can to collect. Basten said that the receivables are nothing to be proud of and they continue to rise every year. Buckley wondered if there were less extra costs if people would be more likely to pay. Basten looks at the \$20 surcharge as something else that is going to add to the receivables that they are not going to collect, but because of budget issues in the Clerk of Courts office, they are looking for support. He does not want to keep coming back to the Committee and the Board about the budget. If that \$20 had been collected on all of the cases for 2014, it would make a decent impact on the budget.

Vander Leest added that there is a portion of people who pay in full and for those cases the \$20 would be collected, but there is also a portion that they have to chase. If the order of collections is changed, there will be a lot that will make one time payments through a tax intercept. This will have a long-term negative impact and Vander Leest’s argument is for the County to support the resolution and see if the State will support it. Buckley is on the other side and would like to see us keep what we can locally and if we cannot collect some of the money that goes down to Madison, he is okay with that. Buckley understands that Vander Leest may have several thousand dollars impacted on his budget, but he also noted that he has gone on record saying he will not hold Vander Leest responsible as long as he can point out where the problems came from. He is trying to support what law enforcement is trying to do with the crime prevention programs and he feels that that is more important than a few thousand dollars in the Clerk’s budget.

Zima said it defies logic that Buckley thinks the surcharges are too high and counterproductive. He noted that the Crime Prevention Board is a private organization and if it is felt that they provide a valuable service, the County could contract with them and include money in the budget for it. He noted that we contract all sorts of people in other departments to provide services we want. At this point in time, the Crime Prevention Board has not asked for money from the County. They have asked to continue the program and they do a lot of fine work and Zima had the distinct impression that something extra was going to be added on to help them out at the bottom of everything else and he felt that everyone else was of the same impression. Zima continued that Mr. Murphy has provided good transparency and Zima takes him at his word. If there is a contract with someone, there is greater control, but in this case it is a private organization that is doing good work and they have come and asked for the surcharge and it should be right at the bottom. Zima did not want to speak for Mr. Murphy, but the way it was presented to the Committee was that this was going to be an addition to the very bottom of all that was going to be collected. He continued that Vander Leest is expected to do his job and he is doing that by bringing this to our attention and he has acted quickly on this for which Zima gives him credit.

**Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to open the floor to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY**

-Pat Murphy addressed the Committee. Zima asked Murphy if he has any problem with this surcharge being at the bottom. Murphy said he absolutely has a problem with this. Zima said it was his understanding that this surcharge was added on to the end of everything else and that is why he was supportive of it. Zima stated again that maybe this is something that could be contracted for but at this point in time that does not seem to be the push of Murphy. Zima also reiterated that it was his understanding that this was an add-on at the very bottom.

Murphy stated that there have been some misunderstandings and he would like to try to clear them up. He said that there are 26 state-impose surcharges and these are not done locally and there is not a decision making process by the County Board on surcharges; they are instituted by the State. He continued that about three years ago when the process started to create this surcharge for crime preventing funding, it was realized that it would be very difficult to get the State to decide that a \$20 crime prevention surcharge should be collected before any of the others. It was always his sense that this would be the last charge and this led to some misunderstandings at the local level, but there were no misunderstandings at the State level. Murphy continued that the difference between a surcharge and court fees and

finer is that the local judges have discretion over how the local fees are assessed and collected, but there is no discretion on surcharges locally. Murphy said he was surprised when the Clerk of Courts said he thought this surcharge would be collected after fees and fines because there are 25 other surcharges on the books that get collected before local fees and fines.

Murphy continued that he does agree that the Clerk of Courts Association opposed the statute for three years when they tried to get it passed. He said that he sent a copy of who is on record supporting this and he read the list to the Committee. He said that on October 21, 2015 the Public Safety Committee sent a resolution to the County Board that said it was beneficial for a community to prevent crime which saves the taxpayers money by preventing use of the criminal justice system and improves the quality of life for its citizens. This has been opposed on record by the state Clerk of Courts Association and it is no surprise to Murphy that our local Clerk of Courts has not been in contact with the State and he opposes it on the local level.

Murphy said that the State Clerk of Courts Association went on record against it but to get it passed, the Attorney General, the Governor, Joint Committee on Finance and both houses of the State Legislature passed it and then the County passed it. He knows who is against it and who is on record for it.

Zima said he did not think there have been any arguments about the Committee's support of crime prevention programs and noted that Brown County was only one of two counties that voted to add it. Murphy said that the Clerks of Courts are all against this and they are watching Brown County as a national leader on non-taxpayer funding for crime prevention. He said that the money collected by this surcharge does not go to some outside private group; it goes to a state organized, dictated Crime Prevention Funding Board of seven people. Murphy has no control and no interest in how the money is collected or spent. State Statutes dictate how it gets collected and how it gets spent and it is very transparent.

Zima advised Murphy that the Committee is not opposing his operation. Murphy disagreed and said that this is killing it. He said that he explained how the surcharges are set up and collected by State Statutes. He said that if someone heard State Legislatures say that the order of collection of a state statute surcharge should be changed and put after court fees a huge can of worms would be opened for every other surcharge. Murphy urged the Committee to think about it from a legislative standpoint but Vander Leest stated that this is a taxpayer issue. Murphy continued that the reason this passed the Legislature and the State is because there was bipartisan support.

Murphy noted that he is not on the Crime Prevention Funding Board but is here because he is lifelong Brown County resident. He and his wife own a number of apartment units and the largest operating expense for his business is property taxes. He is always concerned about keeping property taxes down so he does not have to raise rent for his tenants. Murphy continued that about 18 years ago he was approached by a De Pere police officer because De Pere did not have a crime prevention vehicle and they thought a vehicle would help in administering their crime prevention programs. Murphy helped De Pere raise money because there was no taxpayer money for a crime prevention vehicle. He then helped raise money for a crime prevention vehicle for Brown County. Murphy is not involved in any crime prevention program at all, but for 18 years he has been involved in trying to find non-taxpayer sources of funding for crime prevention programs because he understands the importance of them and the need to provide non-taxpayer sources of funding. Murphy referred to the earlier statement that about 60% of citations do get collected and for those cases the \$20 does go into the crime prevention fund. Every dime that gets collected on the surcharge goes into Brown County crime prevention programs. To say that the \$20 surcharge is a bust to taxpayers is an abomination. Murphy continued that for all of the non- Brown County residents that are convicted in Brown County and have to pay, the surcharge provides additional money into crime prevention from non-county citizens so it is even more than what might be estimated is coming into the fund from another source. Murphy reiterated his opinion that to call this a cost to Brown County taxpayers is an abomination. Additionally, Murphy said that the whole point of a crime prevention program is the long-term impact it has on County taxpayers in saving future costs of incarceration and treatment. He felt that the long term-perspective should be taken into account and he is talking about huge long-term savings to taxpayers because of the effectiveness of the crime prevention program.

Aside from the financial aspect of this, Murphy mentioned that funding programs that prevent crime will result in emotional savings to our citizens from crimes that are stopped from being committed. He felt it was horrific that the County Board would pass two ordinances that say this ordinance shall become effective upon passage and publication.

Vander Leest stated that this was up to the judges. Murphy mentioned that another county passed an ordinance after Brown County and started collecting the surcharge on November 1 when the ordinance was passed in October. He does not believe or buy for a second that Brown County could not have been collecting money for the last 90 days for non-taxpayer funded crime prevention programs.

Murphy provided the Committee with a handout containing a legal opinion by the Wisconsin Legislative Counsel staff attorney that says that the Judges and the Clerk of Courts are legally obligated by State Statute to collect the surcharge that Brown County has not been collecting.

Zima noted that Murphy is very passionate about this and he appreciates the work and time Murphy puts into his efforts. However the majority of Murphy's argument is the Committee supporting a program that the Committee already supports and Zima stated that the question that is really before the Committee is the order of the surcharges. Zima asked Murphy what his total budget is. Murphy noted that the Crime Prevention Foundation is totally different than the Funding board and its source of money and they do not have any connection. The Crime Prevention Foundation tries to give out about 5% of what is in the Foundation and this amounts to about \$17,000 per year that they give out in grants, but this is the tip of the iceberg of what crime prevention programs could be funded if they could get this surcharge. Zima asked Murphy what he estimated the surcharge would add and Murphy responded that he has had difficulty in trying to find out, but noted that it would be up to the Crime Prevention Funding Board to determine how much they are going to get and what they are going to do with it, but by Statutes they have to give it to nonprofit groups with crime prevention programs or to Sheriffs who have crime prevention budgets. Zima asked where the surcharge funds would go. Murphy responded that they get collected by the Clerk of Courts and it is then given to the Treasurer and the Treasurer disburses it as required by the Crime Prevention Funding Board. Zima asked what the total budget of distribution is and Murphy responded that it would be the money in the Treasurer's account from the Clerk of Courts, but right now it is nothing because for 90 days this surcharge has not been collected.

Vander Leest felt that Murphy was over embellishing and is out of line. Vander Leest stated he is trying to do his job and felt that Murphy is insulting him as the Clerk of Courts and he wished to have this on the record.

Zima noted that at this point in time the program is just getting started and does not have much of a budget to do anything with. He said that there has been trouble figuring out how much the surcharge would amount to. Zima said his question is, by changing the order, how much does Murphy feel the potential amount would be impacted. Murphy responded that Zima is talking about something that has to be done on the State level; the order cannot be changed on the local level. Murphy said this is hypothetical and he thinks it is impossible to do a calculation. Zima felt that Murphy was avoiding the question. He wants to know what Murphy thinks, if the order is changed, how much money we are talking about. He recalled that it was stated earlier that half of the cases are paid in full and therefore the surcharge would be paid on them but he wants to know what the uncollected amounts would be estimated at. Murphy stated again that he cannot answer the question. Zima said the truth of the matter is that with the present order in effect there could be a loss to the County. Buckley and Murphy both said that there are no losses to the County because the surcharge money stays in Brown County by statute. Further, every year the Funding Board that spends the money has to report to all of the taxpayers, including the County Board by Statute, what it did with the money. At any time the County Board can reverse the ordinances if they think the money is being wasted. Murphy stated that this resolution is a terrible idea. Zima felt that Murphy's fear is that changing the order will affect the amount of money that goes into the crime prevention fund and Murphy agreed with that and reiterated that crime prevention offers taxpayers a future savings because the cost of crime is much greater than the \$20. Zima's point is that it seems that there is a great fear on Murphy's part that if the order is changed the program would be losing revenues and that confirms what Vander Leest is saying. Zima is not opposed to considering a contract for this. Buckley said that of course this is going to affect the income and that is what Vander Leest is trying to say, but the money does not leave Brown County.

La Violette thanked Murphy for all the work he has done and said she is pleased that someone as busy as he is cares so much to be involved. What strikes her from this discussion about changing the order is when Murphy pointed out the number of surcharges and the following each one probably has. She felt it would be a three ring circus if the order were to be changed. La Violette also thanked Vander Leest for bringing this to the Committee as it is his obligation to do so.

Vander Leest pointed out that Murphy presented this as the last item and Vander Leest stated there was a misunderstanding and he does not want to be insulted for doing his job and he wanted it on the record that he did not



think he was treated properly. The State Legislature does set the order of collection and they can decide on surcharges. Corrections to legislation are made very frequently. Vander Leest also referred to the start date of the surcharge and said that he needs a letter from the judges stating a start date and further, the surcharge cannot be imposed on old cases. He concluded by asking that this resolution be supported.

Buckley noted that the resolution was first brought to him on Friday and the problem he has is that there are not a lot of facts to back the resolution up. He talked to several judges who did not want to be in the political arena on this. Buckley also spoke with Corporation Counsel who advised him that they had not seen the resolution and that was troublesome to him. It was Buckley's understanding that this surcharge was supposed to be being collected and if it is not being collected, it is a violation of State law. Buckley said the Committee needs to be very careful in trying to approve something that has not been properly vetted and this has not been properly vetted. He struggles with the motion by Zima in that it just removes one sentence. He tries to back the Clerk of Courts as much as he can, but this resolution was written by him and he knows the procedure to go through Corporation Counsel. Buckley feels misled and he will not support this.

**Motion made by Supervisor La Violette, seconded by Supervisor Clancy to receive and place on file. Vote taken. Aye: La Violette, Buckley, Clancy Nay: Zima, Nicholson MOTION CARRIED 3 to 2**

*It should be noted that this motion was voted on after the vote was taken on Zima's motion by substitution below.*

Zima felt that the sentence in the resolution that Buckley referred to earlier that states, "In addition, Circuit Court Judges and other local officials in Wisconsin support this simple change in State law" should be deleted from the resolution.

**Motion by substitution made by Supervisor Zima, seconded by Supervisor Nicholson to approve the resolution with the deletion of the sentence that reads: "In addition, Circuit Court Judges and other local officials in Wisconsin support this simple change in State law." Vote taken: Ayes: Nicholson, Zima Nay: Buckley, La Violette Clancy. MOTION FAILED 3 to 2**

#### Clerk of Courts

#### **3. Budget Status Financial Report for November, 2015.**

Clerk of Courts John Vander Leest stated that the numbers for November and December have not been finalized yet, but he did feel that the numbers will be better than they have been in previous years.

**Motion made by Supervisor La Violette, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

#### **4. Request for representation from the Clerk of Courts and Courts to attend each meeting monthly to provide monthly updates including various reports as requested by this Committee. *Standing Item.***

Buckley noted that this is a standing item to be sure that updates are given on a regular basis.

**Motion made by Supervisor La Violette, seconded by Supervisor Clancy to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

#### **5. Clerk of Court's Report.**

Vander Leest reported that there will be two retirements on February 15, 2016. He worked with Administration to get the Court Coordinator positions on the February 8, 2016 Executive Committee agenda to avoid having to wait for a month to post the positions. This is a very busy time of year in his office and he wanted to avoid having positions open for too long. Vander Leest continued that they are still working on GAL hearings and they have a new party working on collections for GALs and criminal/traffic payments. Monthly GAL hearings will continue and they will continue serving parties who do not show up at the first hearing. If they do not show up at the second hearing, arrest warrants will be issued. Additionally, the judges are working on putting together a letter to GALs talking about the budget issues and giving the GALs suggestions on the current program. This letter will be going out to the GALs in March. Vander Leest

stated he spent most of his first year as Clerk of Courts getting the budget in line and finding areas that could use improvement and he will continue working on those things for 2016. He thanked everyone for their support in getting some of the collection initiatives started.

**Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Circuit Court, Commissioners, Probate**

**6. Budget Status Financial Report for November, 2015.**

**Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Public Safety Communications**

**7. Budget Status Financial Report for November, 2015.**

Public Safety Communications Director Cullen Peltier indicated that his budget looks good through November and, in addition, he felt that the end of the year numbers will be favorable as well.

**Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**8. Director's Report.**

Peltier reported that they have an accepted offer for the last vacant position. The party they offered the position to is a former employee who left and is now coming back and Peltier felt this will help speed training along. He said that currently they have three people on the eligibility list but the recruitment is still open as he would like to round out the list with about 10 people. The recruitment period will end next week. With regard to the phone system, the call distribution issue was resolved last week. He noted that there is still a large portion of the contract outstanding and they will not be paying the contract in full until everything is done. Peltier continued that they are still working on the contract with the CAD project and the current issue is licensing. They are working through this with the vendor so they can go back to the agencies to get things set up. Peltier also noted that Telecommunicators Week is the third week in April and he will keep the Committee advised of activities that will be happening during that week.

Peltier continued that there has been an environmental health issue in the Communication Center recently. He said that some carpet cleaning had been done and shortly thereafter several employees had allergic reactions. Discussions were had with the Hazmat Team, State Department of Public Health and the County Health Department and there was not a lot of monitoring that could be done. Facilities then brought in an environmental health company to do an assessment of the Center and the report came back that there was no mold or fungus or anything else in the air. A mixture of vinegar, water, baking soda and dish soap had been used to clean the carpets and they think that that solution may have reacted with some of the older chemicals that had been used previously. The affected employees were off work for a time and suffered allergic reactions again when they returned to work. The reactions were severe and included breathing difficulties, anaphylactic shock and hives and one resulted in a trip to the emergency room. They are bringing in some air purifiers and the affected employees are currently working out of the backup facility at the airport so there is not a staffing shortage. Peltier is continuing to work through this with Facilities, Administration and Human Resources to figure out what is going on and get these people back to work at the Communication Center. Peltier will continue to keep the Committee advised of developments with regard to this.

Clancy asked about the recruitment list and asked if the individuals on the list are already trained. Peltier explained that they are not trained, but they have been through the hiring process of background checks and sit ins so when there is a vacancy they will be able to make an offer off the recruitment list to save time in filling vacancies.

La Violette thanked Peltier for the good job he does and stated that she has the utmost confidence in him to handle situations in the best way possible.

**Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Emergency Management**

**9. Budget Status Financial Report for November, 2015 (unaudited).**

**Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**10. Public Emergency Notification plan.**

Emergency Management Director Melissa Spielman reported that her department has implemented nixle alerts, similar to what the Green Bay Police Department is using for community awareness. This is an opt-in program where the user opts in via text on a cell phone. The program will provide emergent information to the County residents in a timely manner. The program operates on zip code so it is very detailed to Brown County. The system will be used for such things as boil water advisories, road closures due to accidents, etc.

**Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Medical Examiner**

**11. Budget Status Financial Report for October, 2015.**

**Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**12. Medical Examiner Activity Spreadsheet – 2015 totals and January, 2016.**

Director of Operations Barry Irmen reported that they have had a busy month. The call load was a little less than what was experienced in the past, but they have had some unique calls. He said that there were four infant deaths in January in Brown County, compared to six infant deaths for all of last year. Buckley asked if autopsies were done on each of the infants and Irmen stated that they were. He explained that the pediatric autopsy policy is fairly clear that since infants cannot report for themselves there is no way to know of past injuries without autopsies. Two of the deaths involve the State Public Health Department regarding some influenza issues and he noted that part of the Medical Examiner's responsibility is to be aware of public health issues. Clancy asked if the autopsies have revealed anything as to the cause of death of the infants. Irmen noted that there are a number of things they do to determine cause of death before a ruling is made as to the cause of death. Some of these involve use of a private lab and they are waiting for test results before a manner of death is determined. Irmen indicated that there were 13 autopsies done in January and he hoped that that was a peak and not the mean.

Zima stated he was troubled by Irmen's words that he hoped the number of autopsies was a peak and not a mean. He said that some of the Board felt there was a real neglect until the Medical Examiner's office came to the Board and in hopes of better results the Board adopted the contract and hopes to have a facility here sometime in the future where they can get a little more help. Zima felt that perhaps more autopsies would have to be done and not turn heads to keep down costs. Zima stated that cost was not a concern, but rather, the concern was professionalism. He told Irmen that he did not have to apologize for the number of autopsies and he should be as professional as possible, even if it meant a higher number of autopsies. Zima felt that some crimes had probably been buried over the last several years because autopsies were not done and this bothers him.

Irmen apologized for his choice of words and responded that the Committee and the Board can rest assured that the decision regarding if an autopsy is necessary or not is being made by a forensic pathologist and not by a budget. He made the comment he did because he did not want the Committee to be alarmed by the numbers because there are a certain number of autopsies built into the agreement and based on the math on 13 autopsies, if it is multiplied by 12, the number would be exceeded. He wanted the Committee to feel at ease that 13 autopsies is not the standard. Zima responded that if 200 autopsies are needed a year, that is fine with him. He wants the determinations made with

professionalism, not people figuring out how many autopsies can be made according to the budget. Irmen reiterated that the number of autopsies will always be made by a doctor and not a budget.

**Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

13. **Budget Adjustment (15-84): Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.**

This adjustment is to transfer excess wage/fringe budget dollars to operating expenses in the Medical Examiner's budget. Supplies would be increased to provide funds to purchase equipment prior to the start of 2016 and medical exams/autopsies would be increased due to higher than anticipated costs in 2015. Irmen indicated that the type of equipment this refers to is simple things such as flashlights, thermometers, protective equipment and other items for the investigators to be sure they are appropriately equipped and not compromising another agency's investigation.

Accountant Don Hein clarified that the original budget adjustment was for \$28,000, however it was later discovered that the budget adjustment needed to be bumped up to \$40,000. A new form was prepared, however, the new form did not meet the deadline in the County Board office to be included in the agenda packet and therefore it was suggested that this matter be held for approval at a special meeting prior to the County Board meeting on February 17.

**Motion made by Supervisor Clancy, seconded by Supervisor La Violette to hold until a special meeting on February 17, 2016. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Sheriff**

14. **Discussion and action on the purchase of Com-Tec Security upgrade for the Jail, purchase of two replacement K-9 S.U.V.'s, carry over of the remainder of the 2015 Sheriff's Budget to be applied to anticipated wage and fringe increases for the 2016 budget.**

Chief Deputy Todd Delain indicated that they have a quote for the Jail security upgrade in the amount of \$175,262 from Com-Tec. Additionally, there is a request for \$32,000 each for two vehicles and this includes the vehicles and the lights for the vehicles.

**Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

15. **Sheriff's Report.**

Delain reported that the amount of money that needed to be carried over from the 2015 budget to 2016 to cover the anticipated wage increase for the deputies was projected in the \$300,000 range and Delain is now confident in saying that they are anticipating that the Sheriff's Office will be returning in the area of \$600,000. He continued that they had talked about being sure to carry money over to cover the expenses to avoid problems in 2016 because in the budget they did not have money set aside for the wage increase, not knowing what it was. The budget called for carrying over the remainder of the 2015 Sheriff's budget to be applied to anticipated wage and fringe increases for the 2016 budget.

Delain continued that there are two budget adjustments for the Sheriff's Department that did not make the agenda and he asked that these be taken up at the special meeting prior to the February 17, 2016 Board meeting. Buckley indicated that these budget adjustments will be included on the agenda for the February 17 special meeting.

Delain also talked about the infant deaths that Irmen spoke of earlier. He noted that the Sheriff's Department was involved in those and they had a pretty significant impact on the officers. It is a traumatic situation for the parents and the officers need to do things step by step to be sure that the integrity of the process is maintained and properly investigated. Delain said that after incidents like that, they have the police officer support team meet with officers to put things in perspective to be sure that they are feeling okay with what they are required to do and address the mental health issues that are associated with going to scenes such as infant deaths. They continue to monitor the officers who were involved in these situations to be sure that they are healthy moving forward.

Finally, Delain reported that they worked earlier in the week with several other law enforcement agencies including the State DCI, De Pere Police, Green Bay Police and Ashwaubenon Police on a human trafficking/prostitution operation. He wanted to make the Committee aware that during the week they had contact with a 17 year old who was being trafficked and through a lot of hard work by a lot of officers, contact was made with the girl's family and she was put in contact with a number of resources to move the young lady into a secure location out of the area. They are working to get her into some treatment out of state to help her break away from with what she was involved in. He wanted the Committee to be aware that these situations do come up occasionally and they take them very seriously.

La Violette stated that she had recently heard that Brown County has become a hub for this type of thing and she wanted to know if this was accurate. Delain responded that he would not say that Brown County is a hub, but different groups have definitely brought attention and awareness to these issues and it makes it sound like Brown County may be a hub, but he did not feel comfortable saying that Brown County is a human trafficking hub. He stated that human trafficking is a concern in many communities and he feels it is important for the Committee to know that Brown County Sheriff's Office, in collaboration with other law enforcement agencies in Brown County are monitoring this type of activity and taking proactive approaches to address it. When they have contact with a person they can help, it is to help the person out of the situation and break the cycle and have a more long-term root cause solution to the problem.

Delain continued that the Committee can be rest assured that when they receive any information whatsoever with reference to this type of activity they take it very seriously and put as many resources as necessary on it to try to get right down to the cause of the problem and address it. He said that they actively go out to try to find this going on and in situations where they believe someone may be coerced or blackmailed into some type of activity they are directed to resources to get help. He said it does not make sense to simply issue a ticket and send them out the door but rather they are looking at more of a community approach to solve the problem.

Zima stated that although he appreciated everything Delain said, and maybe a life was saved in this girl, but he wanted to know if any of the traffickers were punished. Delain responded that that part is still being investigation and their goal is to take actions. Zima asked specifically if there was an arrest made on the case he referred to and Delain indicated that several arrests were made, but he is not sure if they got the party but he can certainly get back to Zima on this. Zima said that finding people in these situations and trying to help them find a way out and rehabilitate them if they need it is important, but he felt that any large city is going to have this type of activity and he is happy to see that some awareness is being brought to this. He would like to see some sort of plan to put more resources into this as time goes on. He said that the evidence seems to be that there is a lot more going on than people are aware of. Zima felt the County Board did want some assurance that some resources were going to be put towards this and he felt that this was important.

Buckley said that the cases are being actively pursued as indicated by Delain, but it is being done collaboratively with other law enforcement agencies as the problem does not necessarily have specific boundaries. Zima asked if forming a task force for this would be appropriate and Delain responded that at this time they are working on the issue and attempting, with collaboration, to get a good picture of what is going on and as they continue to work on these issues they will get a better picture of what resources will be needed. Zima asked if there was a specific person or people assigned to this. Delain responded that they have a group of individuals that typically work in this environment, specifically Lt. Valley and Sgt. Steffens. When operations are done, they will take as many investigators as necessary and as specific issues come in the appropriate resources are assigned. Delain continued that determinations are made after cases are reviewed with Lt. Valley and the Captain to determine what resources are needed and who should work it and they go from there.

Zima asked if outreach was being done on this to find cases. Both Buckley and Nicholson pointed out that this matter had been discussed at previous meetings but Zima felt that the type of adjectives and adverbs Delain is offering makes it sound somewhat tentative and weak. He wants to find out about the problem and address it in a firm manner, not just as cases come up. Zima does not believe this is a minor thing that occasionally happens; he feels it is an ongoing issue that needs attention. He is not asking for miracles overnight, but he is concerned that the perpetrator in the case Delain referred to was not arrested. Buckley stated that Delain has answered Zima's questions and further, this was dealt with a few meetings ago. Zima responded that there was a lot of testimony on this at the County Board budget meeting and La Violette also talked about it tonight, and he is wondering if more resources or a task force is needed to handle this as he feels that Brown County is a little too slow in reacting. Buckley responded that the history of the Sheriff's Department is that if they need anything, they will come to a Supervisor or the Committee to let them know what they need. Zima

felt this problem really needs to be addressed. Buckley reiterated that the Sheriff's Department knows that if they need support, the Committee will support them.

Zima asked if records were available for the past several years of arrests in this type of matter and Delain said he would have to get back to Zima on this. Zima also wants to know how many potential cases may be out there as he believes emphasis should be made on getting this handled because it is a big problem. He wants to know what, if anything has been done and if it has been minimal, then it needs to be looked at again in next year's budget.

**Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**District Attorney** – No agenda items.

**Other**

**16. Audit of bills.**

**Motion made by Supervisor Zima, seconded by Supervisor La Violette to audit the bills. Vote taken. MOTION CARRIED UNANIMOUSLY**

**17. Such other matters as authorized by law. None.**

**18. Adjourn.**

**Motion made by Supervisor Zima, seconded by Supervisor Clancy to adjourn at 1:20 pm. Vote taken. MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Recording Secretary

similar report on how much they got, what it was supposed to be used for, what it was used for and if any money is left.

Murphy continued that Brown County is the first county in the country to have a crime prevention foundation and Wisconsin is the first state to create this funding mechanism for crime prevention programs. As the statute is written, each county has the option of creating this fund and Brown County has been the leader in the country in finding a source of funds for crime prevention programs and he is hoping that Brown County will be the first county in the country and the first in the State of Wisconsin to create this crime prevention funding board.

Delain stated that the Sheriff is very supportive of this and has spoken on this topic numerous times in Madison. The statutes spell out who has to be a member of the board and Sheriff Gossage thinks that it would be a good opportunity to advance crime prevention in Brown County. Sheriff Gossage is supportive of this and also has been supportive of the Brown County Crime Prevention Foundation for a very long time. By doing this, it provides an opportunity to give grants to a lot of organizations that can help reduce crime such as the Boys and Girls Clubs and other organizations that steer kids into positive directions. Where the funds go would be determined by the Board. Delain stated that Sheriff Gossage's recommendation would be for the Committee to support this and bring it forward to the Board.

Zima stated that this was a zero tax dollar cost up front and the revenues must have been estimated to know what the revenues would be and what the budget may be. Murphy responded that the decision on grants is fairly cut and dried. He talked about the crime triangle and stated in order for a crime to be committed there has to be a desire to commit the crime, the opportunity to commit the crime and the ability to commit the crime. An effective crime prevention program addresses any of those three aspects of crime and there will be solicitation of grants and then if it affects the crime prevention triangle it is eligible for the grant. That is how the grants will be administered and Murphy also noted that the transparency that is required is important.

Buckley asked how much money is anticipated to come into the fund. Murphy responded that there is not an accurate forecast because the collection of the funds is up for grabs. He continued that he just wants any money that comes in to go into this fund and it could be up to \$20,000 annually in Brown County. If crime prevention programs are effective, there may be a lot less. Because there is no administration fees for staffing or anything else, any money that comes into the fund is good. Buckley asked how the \$20 surcharge fee was decided upon. Murphy stated that they wanted something reasonable and affordable and something they thought could get through the state legislature. He felt that if it got to be too much it would be a hardship on top of fines. Zima felt that there would need to be someone to keep track of all of this and Murphy responded that the Clerk collects money all the time and he did not think there would have to be dedicated staff for this. He thought it would be a very minor addition to what the Clerk and Treasurer do and additionally, the seven members on board are already in existence and really do not even have to meet more than once a year. Murphy continued that the Crime Prevention Foundation has been in existence for 15 years and has given \$168,000 to local crime prevention programs with no staff. It is all volunteer work and those people involved are very dedicated to crime prevention. He does not feel that this is a cost to the community at all.

Clerk of Courts John Vander Leest reported that the Clerk of Courts Association was opposed to this bill, but he does not have opposition to doing it in Brown County. He cautioned though that this is at the very end of when people pay a citation; the \$20 surcharge would be the last portion collected and he urged to not over-estimate how much would be collected as they are battling for collections overall.

Buckley felt Murphy may wish to work with Vander Leest to see if they could get some idea of what kind of numbers are being talked about as he felt that this would really help when this goes to the full County Board. If Vander Leest can say how many people pay fines in full over the course of a year, that would be helpful. Buckley just wants to make sure there are some numbers available. Murphy responded that there were some guesstimates from the fiscal bureau that he could get and he also noted that there are letters of support of this legislation from a number of entities. Buckley felt the missing piece is what the estimated revenue is. Murphy stated that when this was drafted, the sense was that the cost would be a minimal incremental cost that was a reimbursement to the taxpayer, but the taxpayer does not get a reimbursement for the costs and they wanted the taxpayer to benefit somehow.

Vander Leest stated that there is a state statute that gives a judge the authority to waive part or all of the court fees and he does not know if this surcharge would fall under that. He has seen judges waive entire costs and the specific language would have to be looked at. Murphy stated that the specific language is contained in the packet of information he provided to the Committee.

Supervisor Clancy asked if this is currently being funded by private entities. Murphy responded that the crime prevention foundation that was formed 14 years ago started from scratch. He stated that at that time the funding from DARE was from the County Board and the foundation spent a year raising \$130,000 and promised the County Board that each year they could reduce the budgeted funding from the taxpayer by 20% for five years and take DARE off the expenditures of the taxpayers. He noted that they have raised \$460,000 which is in the fund right now, in addition to the \$168,000 they have already given out, but Murphy noted that it is very hard to raise funds for a foundation. Crime prevention programs are the tip of the iceberg in the community and there are so many ideas but no funding. This would allow another piece in the funding puzzle for crime prevention programs.

Vander Leest reiterated that it should be ascertained if this surcharge can be waived by a judge pursuant to statutes. He also stated that he has seen cases in which the judge waives all costs. Murphy responded that one of the problems in the past was it was arbitrary in the sense of how much was given and where it came from. Vander Leest agreed that the costs and fees imposed are a benefit and help pay for court services, but he felt the presiding judge should be consulted on this. Murphy also wished to mention that this actual legislation was implemented through the signing of the budget and was put into the budget by the Attorney General and there would be an opinion as to whether it could be waived.

Murphy encouraged the Committee to check out that their website, [www.crimepreventionfoundation.com](http://www.crimepreventionfoundation.com) to see all of the grants that have been given over the years. Zima asked how much they collect on average and Murphy responded that it averages around \$25,000 and all of the money goes into the foundation.

**Motion made by Supervisor Clancy, seconded by Supervisor Zima to approve and draft a resolution to create a funding board and bring back information as to how it is progressing. Vote taken. MOTION CARRIED UNANIMOUSLY**

### **13. Sheriff's Report.**

Delain reported that K-9 Officer Wix died on August 12, 2015 while on duty at the PGA Tournament at Whistling Straights. This is a reimbursed service that they do throughout Northeast Wisconsin. A report is being generated on the entire situation which Delain hopes is done later this week or early next week. The report will focus on how the K-9 died, what the contributing factors were which would include any human factors, environmental factors and any equipment issues associated with the death. Delain advised the Committee that the direction the investigation is going will probably show that the K-9 died from heat exhaustion and they do not believe that there are human factors involved and do not believe that the deputy did anything wrong in this case. This is not a case where the K-9 was unattended for a significant amount of time or anything like that. The Department believes that the report will show that there was approximately 47 minutes between checks on the dog which is not a significant amount of time at all. Delain continued that work dogs in general spend a significant amount of time in squad cars. Dr. Eastman from Bay Animal East came and explained that animals rest in three places; they rest in the back of the squad car, they rest at home and they rest in their kennel. When the siren goes on or the door opens, the dog is on alert and working. These K-9s are not animals that can just be tied up to a tree. They work with their mouth and use their mouth a lot and they need to be contained. When they are out of the car they are on alert. When the dog is put in the car, that is a place where he feels safe and can rest. This is not similar to a family pet that you can take out and let it relax. If the K-9 is taken out of the car, he is not relaxing; he is looking to see what he is supposed to do doing and where his handler is and what is going on. Delain continued that it was a very short period of time between checks on the dog and he noted that K-9 handlers are also taking calls for service and it is not uncommon on normal patrol for the dogs to be spending time in the car.

What is known in the case of Wix is that the air conditioning blower mower quit and when it did the heat rose in the car. The AC unit itself was operational. Delain continued that there are alarms in the car that are supposed to give

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## Legislative Fiscal Bureau

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May 7, 2015

Joint Committee on Finance

Paper #423

### Crime Prevention Funding Board

[LFB 2015-17 Budget Summary: Page 188, #2]

#### CURRENT LAW

Under current law, a variety of surcharges may be assessed with the conviction of either a misdemeanor or a felony. Current law provides an order for which these surcharges, fines, and other court costs should be paid.

#### GOVERNOR

*Crime Prevention Funding Board Surcharge.* Create the crime prevention funding board surcharge. Require a court to impose a crime prevention funding board surcharge whenever the court imposes a sentence or places a person on probation. The surcharge would total \$20 for each misdemeanor or felony count on which conviction occurred.

Provide that prior to paying the crime prevention funding board surcharge, an individual must first pay the following surcharges, in full, if payment of these surcharges is required by the court: (a) the penalty surcharge; (b) the jail surcharge; and (c) the crime victim and witness surcharge.

Further, the new surcharge must be paid, in full, ahead of the following surcharges: (a) the crime laboratory and drug law enforcement surcharge; (b) the DNA analysis surcharge; (c) the child pornography surcharge; (d) the drug abuse program improvement surcharge; (e) the drug offender diversion surcharge; (f) the driver improvement surcharge; (g) the truck driver education surcharge; (h) the domestic abuse surcharge; (i) the global positioning system tracking surcharge; (j) the consumer protection surcharge; (k) various Department of Natural Resources and environmental surcharges; (l) the weapons surcharge; (m) the uninsured employer surcharge; (n) the supplemental food enforcement surcharge; (o) the ignition interlock surcharge; and (p)

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**TABLE 3**

**Fines, Fees, and Surcharges Assessed with a Charge of Vagrancy**

<u>Violation</u>	<u>Statute</u>	<u>Fine</u>	<u>Penalty</u>	<u>Jail</u>	<u>Surcharge*</u>		<u>DNA Analysis</u>	<u>Clerk Fee</u>	<u>Total</u>
					<u>Victim and Witness**</u>	<u>Crime Laboratory and Drug</u>			
Vagrancy	947.02	Up to \$500	Up to \$130	\$10	\$67	\$13	\$200	\$163	Up to \$1,083

\*Depending on the violation, additional surcharges may be assessed.

\*\*Total amount subject to the number of counts on which a conviction occurs.

13. In considering revenues that may be generated from the CPFBS surcharge, an individual's ability to pay all of the imposed costs in a timely manner may decrease revenue that the surcharge could be expected to generate. As indicated above, an individual must pay several different fines, fees, and surcharges when convicted of a misdemeanor or felony. Further, as a result of the multiple fines, fees, and surcharges imposed, the courts have indicated difficulty in collecting the amounts owed. In regards to the creation of a new surcharge, the Director of State Courts Office has indicated: "The collection process in most counties is already strained from efforts to collect the statutorily-mandated restitution, fines, forfeitures and surcharges...the continued proliferation of surcharges jeopardizes access to the court system and significantly increases the amount of money a violator must pay."

14. Furthermore, concerns have been raised with regards to the relationship between the crime prevention funding boards and the assessment of the CPFBS surcharge. Under the bill, the district attorney, or his or her designee, and the presiding judge of the circuit court, or his or her designee, would be members of the Crime Board. In her testimony to the Committee on March 2, 2015, the Chief Justice indicated that, "The perception - whether real or not - is that the [CPFBS] surcharge and the board may somehow influence criminal charging decisions or decisions in criminal cases."

15. Finally, even if the CPFBS surcharge is paid after all of the other surcharges that are assessed, the creation of a new surcharge could potentially delay revenue generated from existing surcharges. As indicated above, if an individual is unable to pay the total amount imposed within 60 days, the courts will typically authorize the individual to enter into a payment plan to pay any additional amounts owed. If the total amount owed is increased, it may take the individual a greater amount of time to pay all of their assessments.

16. For the reasons noted above, the Committee could delete the Governor's recommendation to create a CPFBS surcharge and county crime prevention funding boards [Alternative 3].

17. It should be noted that during deliberations of the 2013-15 budget bill, the Committee proposed creating a CPFBS surcharge and county crime prevention funding boards in a similar

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	2014CM	2014CT	2014CF						
Total Cases	1832	1914	1759						
Cases Paid in Full	366	572	200						
% Cases Paid in Full	19.98%	29.89%	11.37%						
<b>Total cases to collect</b>	<b>1,466</b>	<b>1,342</b>	<b>1,559</b>						
<b>Example - OWI 3rd</b>	<b>Receipt</b>								
<b>Description</b>	<b>Priority</b>	<b>Account Code</b>	<b>Total Assessed</b>	<b>State</b>	<b>COC</b>	<b>Sheriff</b>	<b>Human Services</b>	<b>Arresting Agency</b>	<b>% Brkdwn</b>
PEN	30	Penalty Surcharge	468.00	468.00					100
Jail	35	Jail Surcharge	18.00			18.00			100
Victim Witness Surcharge	39	VW	67.00	67.00					100
CLD	50	Crime Lab & Drug Surcharge	13.00	13.00					100
DNA Surcharge	55	DNAAS	200.00	200.00					100
DRVIM	65	Driver Improvement Surcharge	435.00				435.00		100
IIDS	116	Ignition Interlock Device Surcharge	50.00		50.00				100
<b>CRIME PREVENTION SURCH</b>	<b>117</b>		<b>20.00</b>						
Blood Draw	120	Blood Draw	46.50					46.50	100
CCFP	120	Circuit Court Fees Payable	163.00	124.00	39.00				76/24
SF341	120	State F/F 341-47,49,51	1,800.00	900.00	900.00				50/50
		Total	3,280.50	1,772.00	989.00	18.00	435.00	46.50	
				54%	30%	1%	13%	1%	
<b>*Example is only 1 count, average CM/CF case is typically 2 or higher</b>									
Estimates 20% will pay in full in 3 years. Another 10% will pay in full in 5 years. Final 10% will pay in full within 10 years. Remaining portion is uncollected. Sits at Civil Judgment uncollectable.	*Estimates that roughly 50% of cases to collect in future will be impacted. Based on 2014 #'s the Clerk of Courts will lose between \$10,000 in the first year and continue to grow each year with more cases impacted.								
<b>Tax Intercepts</b>									
2013 - 2,500 transactions, \$578,242.71 collected									
2014 - 2,305 transactions, \$554,405.90 collected									
2015 - 2,352 transactions, \$531,641.31 collected									

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State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-4481/1  
CMH:amn

## 2015 BILL

1 AN ACT *to renumber* 973.05 (2m) (rv) of the statutes; **relating to:** order of  
2 payment of surcharges imposed upon conviction.

### *Analysis by the Legislative Reference Bureau*

Current law imposes various surcharges on a person who is convicted of a crime and applies the surcharges in a particular order for collection. Currently the crime prevention board surcharge is paid before payment of the fine and court costs and fees. This bill reverses the order so that payment of the fine and court costs and fees are paid before the crime prevention board surcharge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 973.05 (2m) (rv) of the statutes, as created by 2015 Wisconsin Act  
4           55, is renumbered 973.05 (2m) (t).

5            **SECTION 2. Initial applicability.**

6           (1) This act first applies to payments applied on the effective date of this  
7       subsection.

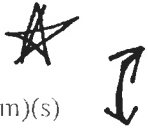
8 (END)

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Menu » Statutes Related » Statutes » Chapter 973

### **973.05 Fines.**

- (1)** When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, plus costs, fees, and surcharges imposed under ch. 814, to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, plus costs, fees, and surcharges imposed under ch. 814, shall be payable immediately.
- (1m)** If the court orders payment of restitution and a fine and related payments under s. 973.20, the court may authorize a payment period in excess of the limit imposed under sub. (1).
- (2)** When a defendant is sentenced to pay a fine and is also placed on probation, the court may make the payment of the fine, plus costs, fees, and surcharges imposed under ch. 814, a condition of probation.
- (2m)** Payments under this section shall be applied as applicable in the following order:
  - (a)** To payment of the penalty surcharge until paid in full.
  - (b)** To payment of the jail surcharge until paid in full.
  - (c)** To payment of part A of the crime victim and witness assistance surcharge imposed before July 2, 2013, until paid in full.
  - (d)** To payment of part B of the crime victim and witness assistance surcharge imposed before July 2, 2013, until paid in full.
  - (dg)** To payment of part C of the crime victim and witness assistance surcharge imposed before July 2, 2013, until paid in full.
  - (dr)** To payment of the crime victim and witness surcharge imposed on or after July 2, 2013, until paid in full.
  - (e)** To payment of the crime laboratories and drug law enforcement surcharge until paid in full.
  - (f)** To payment of the deoxyribonucleic acid analysis surcharge until paid in full.
  - (fm)** To payment of the child pornography surcharge until paid in full.
  - (g)** To payment of the drug abuse program improvement surcharge until paid in full.
  - (gm)** To payment of the drug offender diversion surcharge until paid in full.
  - (h)** To payment of the driver improvement surcharge until paid in full.
  - (i)** To payment of the truck driver education surcharge until paid in full.
  - (j)** To payment of the domestic abuse surcharge until paid in full.
  - (jm)** To payment of the global positioning system tracking surcharge until paid in full.
  - (k)** To payment of the consumer protection surcharge until paid in full.
  - (L)** To payment of the natural resources surcharge until paid in full.
  - (m)** To payment of the natural resources restitution surcharge until paid in full.
  - (n)** To payment of the environmental surcharge until paid in full.
  - (o)** To payment of the wild animal protection surcharge until paid in full.
  - (om)** To the payment of the wildlife violator compact surcharge until paid in full.
  - (p)** To payment of the weapons surcharge until paid in full.
  - (q)** To payment of the uninsured employer surcharge until paid in full.
  - (r)** To payment of the enforcement surcharge under s. 253.06 (4) (c) until paid in full.

- 973.05(2m)(s)  (rm) To the payment of the ignition interlock surcharge under s. 343.301 (5) until paid in full.
- (rv) To payment of the crime prevention funding board surcharge until paid in full.
- (s) To payment of the fine and the costs and fees imposed under ch. 814.
- (3)
- (a) In lieu of part or all of a fine imposed by a court, the court may stay the execution of part or all of the sentence and provide that the defendant perform community service work under pars. (b) and (c). Any applicable driver improvement surcharge under s. 346.655, any safe ride program surcharge under s. 346.657, or any domestic abuse surcharge under s. 973.055 shall be imposed under ch. 814 regardless of whether part or all of the sentence has been stayed. If the defendant fails to comply with the community service order, the court shall order the defendant brought before the court for imposition of sentence. If the defendant complies with the community service order, he or she has satisfied that portion of the sentence.
- (b) The court may require that the defendant perform community service work for a public agency or a nonprofit charitable organization. The number of hours of work required may not exceed what would be reasonable considering the seriousness of the offense and any other offense which is read into the record at the time of conviction. An order may only apply if agreed to by the defendant and the organization or agency. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored.
- (c) Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.
- (4) If a defendant fails to pay the fine, surcharge, costs, or fees within the period specified under sub. (1) or (1m), the court may do any of the following:
- (a) Issue a judgment for the unpaid amount and direct the clerk to file and docket a transcript of the judgment, without fee. If the court issues a judgment for the unpaid amount, the court shall send to the defendant at his or her last-known address written notification that a civil judgment has been issued for the unpaid fine, surcharge, costs, or fees. The judgment has the same force and effect as judgments docketed under s. 806.10.
- (b) Issue an order assigning not more than 25% of the defendant's commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102, and other money due or to be due in the future to the clerk of circuit court for payment of the unpaid fine, surcharge, costs, or fees. In this paragraph, "employer" includes the state and its political subdivisions.
- (c) Issue an order assigning lottery prizes won by a defendant whose name is on the list supplied to the clerk of circuit court under s. 565.30 (5r) (a), for payment of the unpaid fine, surcharge, costs, or fees.
- (4m) As provided in s. 767.75 (4), a child support withholding assignment under state law has priority over any assignment or order under sub. (4).
- (5)
- (a)
1. Upon entry of the assignment under sub. (4) (b), unless the court finds that income withholding is likely to cause the defendant irreparable harm, the court shall provide notice of the assignment by regular mail to the last-known address of the person from whom the defendant receives or will receive money. If the clerk of circuit court does not receive the money from the person notified, the court shall provide notice of the assignment to any other person from whom the

## Draft Resolution to the State of Wisconsin

Whereas, Clerk of Courts offices in Wisconsin are the collection arm for the Courts in Wisconsin. Clerk of Courts offices place a high priority on collecting court fines, costs and fees. This revenue makes up roughly 60-70% of their respective budgets.

Whereas, Clerk of Courts believe that collections have become more challenging with the State of the economy and the proliferation of new surcharges being added. This has driven up the total cost defendants are required to pay. When a defendant pays all their resources toward paying for surcharges, court operating costs are borne by the taxpayers because the court fines, fees, and costs will be collected last.

Whereas, in 2015, the State budget placed a new crime prevention surcharge of \$20.00 on all misdemeanors and felony cases. This new surcharge was placed ahead of the collections of all Court fines, costs and fees. This means that the crime prevention surcharge will be collected before direct costs are repaid to the counties. For example, on a criminal case with a court appointed attorney, the repayment of attorney fees would be after the crime prevention surcharge. The placement of the collection should be corrected to be the very last item collected in State Statute 973.05.

Whereas, the Wisconsin Clerk of Courts Association supports correcting the order of collection to place fines, costs and fees ahead of the Crime Prevention Surcharge. In addition, Circuit Court Judges and other local officials in Wisconsin support this simple change in State law. There is a concern that if the order of collections is not corrected that this will have long term negative impacts on collections for the Clerk of Courts and require property taxpayers to cover future shortfalls.

Now therefore, be it resolved that the Brown County Board of Supervisors asks the Wisconsin Legislature to correct the order of collections in State Statute 973.05 by putting (s) to payment of the fine and the costs and the fees imposed under Ch. 814 AHEAD of (rv) to payment of the crime prevention surcharge until paid in full. The rest of the State law regarding Counties adopting a resolution to create a Crime Prevention Board would stay in place.

A copy of this resolution will be forwarded to the Brown County Legislators, all State Legislators and to the Governor Walker.

*Estimated fiscal impact – There will be a negative impact on revenues. If the order of collections continues with the Crime Prevention Surcharge ahead of Court Fines, fees - revenues lost for the 1st year are estimated at \$7,000 to \$10,000 across various revenue accounts in the Clerk of Courts budget -*

*Charges and fees attorney, Charges and fees Court, Charges and Fees Clerk of Courts, County Ordinance forfeitures. Each year will have a larger fiscal impact as the number of cases unpaid will grow. This will have multiplying impact that will continue to grow each year with uncollected cases. The Clerk of Courts relies on one time tax intercepts and payment plans to recover Court fines, costs and fees. When parties realize their State taxes are intercepted, most parties change their filing status so no State tax return is received. This is a frequent occurrence and results in only a 1 time payment or intercept.*